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Attorneys for Defendants  
WELLS FARGO BANK, N.A. and  
WELLS FARGO & CO.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSHUA P. ENDRES, as an individual, and on  
behalf of all others similarly situated,

Plaintiff,

v.

WELLS FARGO & COMPANY, WELLS  
FARGO BANK, N.A., and DOES 1 through 125,

Defendant[s].

Civil Case No.: C-06-7019 PJH

**STIPULATION AND [PROPOSED] ORDER  
PERMITTING PLAINTIFF TO FILE A  
FIRST AMENDED COMPLAINT;  
DECLARATION OF JAE (EDDIE) K. KIM IN  
SUPPORT THEREOF.**

Hon. Phyllis J. Hamilton

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IT IS HEREBY STIPULATED by and between the parties to this action as follows:

**I. RECITALS**

1. On November 15, 2006, Defendants WELLS FARGO & COMPANY and WELLS FARGO BANK, N.A. (hereinafter “Defendants”) served counsel for Plaintiff JOSHUA P. ENDRES (hereinafter “Plaintiff”) with Defendants’ Notice of Motion and Motion of Defendants Wells Fargo Bank, N.A. and Wells Fargo & Co. to Dismiss Plaintiff Joshua P. Endres’s Complaint (hereinafter “Defendants’ Motion to Dismiss”). Defendants originally noticed a December 20, 2006, hearing date for the motion to dismiss, but amended the notice for a January 17, 2007, hearing date.

2. Pursuant to this January 17, 2007, hearing date, the deadline for Plaintiff’s opposition to Defendants’ Motion to Dismiss is December 27, 2006.

3. On December 19, 2006, Jae (Eddie) K. Kim of Welebir & McCune, counsel for Plaintiff, telephoned David M. Jolley of Covington & Burling LLP, counsel for Defendants, to notify Defendants that Plaintiff intended to amend his complaint in order to resolve the issues raised by Defendants’ Motion to Dismiss, in lieu of filing an opposition to Defendants’ Motion to Dismiss. Mr. Jolley agreed with Mr. Kim’s proposal, and suggested the parties enter into a stipulation to effectuate the agreement.

**II. STIPULATION**

Therefore, based on the foregoing RECITALS, and the present circumstances as they exist, the parties, through their respective legal counsels of record, hereby make the following stipulations in requesting an order by the Court:

1. That Defendants will take the hearing on their Motion to Dismiss off of the Court’s calendar.

2. That Plaintiff is to file and serve his first amended complaint by January 8, 2007.

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1           3.       That Defendants are to file and serve a response or answer to Plaintiff's first amended  
2 complaint no later than 30 days after Plaintiff serves Defendants with his first amended complaint.

3           IT IS SO STIPULATED.

4  
5 DATED: December 21, 2006

WELEBIR & McCUNE

6  
7 By: 

Jae (Eddie) K. Kim  
Attorney for Plaintiff

8  
9  
10 DATED: December 21, 2006

COVINGTON & BURLING LLP

11  
12 By: 

David M. Jolley  
Attorney for Defendants

**DECLARATION OF JAE (EDDIE) K. KIM**

I, JAE (EDDIE) K. KIM, hereby declare as follows:

1. That I am an attorney duly authorized to practice before all courts of the State of California and the United States District Court of California. I am an associate with the law firm of Welebir & McCune, legal counsel of record for Plaintiff Joshua P. Endres in the above entitled action. The contents of this Declaration are within my own personal knowledge and if called upon to testify thereto, I could and would competently do so.

2. On November 15, 2006, Defendants WELLS FARGO & COMPANY and WELLS FARGO BANK, N.A. (hereinafter "Defendants") served counsel for Plaintiff JOSHUA P. ENDRES (hereinafter "Plaintiff") with Defendants' Notice of Motion and Motion of Defendants Wells Fargo Bank, N.A. and Wells Fargo & Co. to Dismiss Plaintiff Joshua P. Endres's Complaint (hereinafter "Defendants' Motion to Dismiss"). Defendants originally noticed a December 20, 2006 hearing date for the motion to dismiss, but amended the notice for a January 17, 2007 hearing date.


3. Pursuant to this January 17, 2007 hearing date, the deadline for Plaintiff's opposition to Defendants' Motion to Dismiss is December 27, 2006.

4. On December 19, 2006, I telephoned David M. Jolley of Covington & Burling LLP, counsel for Defendants, to notify Defendants that Plaintiff intended to amend his complaint in order to resolve the issues raised by Defendants' Motion to Dismiss, in lieu of filing an opposition to Defendants' Motion to Dismiss. Mr. Jolley agreed with my proposal, and suggested the parties enter into a stipulation to effectuate the agreement.

5. For the purpose of resolving the issues raised in Defendant's Motion to Dismiss outside of court, counsel of record for all parties agreed to stipulate as follows: that Defendants will take the hearing on their Motion to Dismiss off of the Court's calendar; that Plaintiff is to file and serve his first amended complaint by January 8, 2007; and that Defendants are to file and serve a response or answer to Plaintiff's first amended complaint no later than 30 days after Plaintiff serves Defendants with his first amended complaint.

6. There are no previous time modifications in this case, either by stipulation or by court order.

This Declaration is hereby made and executed on December 21, 2006 at Redlands, California.

  
JAE (EDDIE) K. KIM, Declarant

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSHUA P. ENDRES, as an individual, and on  
behalf of all others similarly situated,

Plaintiff,

v.

WELLS FARGO & COMPANY, WELLS  
FARGO BANK, N.A., and DOES 1 through 125,

Defendant[s].

Civil Case No.: C-06-7019 PJH

**[PROPOSED] ORDER PERMITTING  
PLAINTIFF TO FILE A FIRST AMENDED  
COMPLAINT**

Hon. Phyllis J. Hamilton

Pursuant to the parties' Stipulation in Request for an Order Permitting Plaintiff to File a First Amended Complaint, it is hereby ordered as follows:

1. That Defendants Wells Fargo & Company and Wells Fargo Bank, N.A., shall take the hearing on their Motion to Dismiss Plaintiff's Complaint off of this Court's calendar.
2. That Plaintiff Joshua P. Endres is to file and serve his first amended complaint by January 8, 2007.
3. That Defendants Wells Fargo Bank, N.A., and Wells Fargo & Co. are to file and serve their response or answer to Plaintiff's first amended complaint no later than 30 days after Plaintiff serves Defendants with his first amended complaint.

DATED: 12/22/06

THE HONORABLE PHYLLIS J. HAMILTON  
JUDGE OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

